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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/667,834	09/22/2003	Jian Zhang	CN920020008US1	1003
7590 07/01/2008				
Louis P. Herzberg Intellectual Property Law Dept. IBM Corporation P.O. Box 218 Yorktown Heights, NY 10598				
EXAMINER				
PARRA, OMAR S				
ART UNIT		PAPER NUMBER		
2623				
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07/01/2008		PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

**Advisory Action
Before the Filing of an Appeal Brief**

Application No.

10/667,834

Applicant(s)

ZHANG ET AL.

Examiner

OMAR PARRA

Art Unit

2623

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 22 April 2008 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☐ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☐ The period for reply expires _____ months from the mailing date of the final rejection.
b) ☒ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.
Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
(a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);
(b) ☐ They raise the issue of new matter (see NOTE below);
(c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
(d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).
5. ☐ Applicant's reply has overcome the following rejection(s): _____.
6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
7. ☐ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.
The status of the claim(s) is (or will be) as follows:
Claim(s) allowed: _____.
Claim(s) objected to: _____.
Claim(s) rejected: _____.
Claim(s) withdrawn from consideration: _____.

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing a good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because:
See Continuation Sheet.
12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08) Paper No(s). _____.
13. ☐ Other: _____.

/Christopher Grant/
Supervisory Patent Examiner, Art Unit 2623

Continuation of 11, does NOT place the application in condition for allowance because: Applicant argues that "neither the Simmons' text, nor the SSL text, whether taken alone or in combination, discloses short message...and including an encrypting unit for encrypting the fields in the generated demand short message except the Authentication field" (page 15, paragraph 4). To this matter, the examiner respectfully disagrees.

As previously presented, Simmons teaches short message generating means for receiving a user demand (user interface 54; Fig. 2, par. [0040], lines 1-8) and generating a demand short message based on the user demand, said demand short message including at least a User Identifier field, a Program Identifier field or the demanded video program video program and a Authentication field (paragraph [0017], [0040], lines 1-15; [0044] lines 22-[0045]; [0052]). It was also noticed that Simmons teaches that secure socket layer (SSL) can be implemented in his invention ([0048]); however, giving no details of the security implementation.

Trying to complement Simmons' suggestion of using SSL in his invention for security purposes, the examiner brought the 'Introduction to SSL' NPL document. The SSL reference teaches that when communication between server and user is to be established, authentication certificates along with other information to first authenticate each other are interchanged including shared security keys. Encryption and decryption of the messages is performed with the shared keys (pages 1 and 2, paragraphs 7 and 8; paragraph 21 numerals 1-10). The SSL supports Ciphers (cryptographic algorithms), among them MD5 (Message Digest algorithm by Rivest, on the list of page 2), which consists in including a digest message authentication with no encryption to detect tampering (last box in page 4). Also, another ciphers used are the RC4 and RC2 with 128-bit encryption combined with a MD5 authentication message (page 4 list), which represent the Authentication field on applicant's invention (Specs, pages: 9 lines 15-22; 10 lines 18-21; 11 lines 2-11; 13 lines 11-21). Therefore, the examiner respectfully believes that the combined teachings of Simmons (providing a message including with various fields and good for being implemented with SSL technology) and the SSL document (that shows the details of the SSL technology not shown in the Simmons' invention: the encryption and decryption of the message including a message digest) teach all the limitations of applicant's invention as claimed.

Applicant also argues that the 'transmission server (10) is not constructed to decrypt encrypted messages' (page 16 last paragraph). However, as taught by Simmons, SSL technology can be used to authenticate and encrypt client-server messages. Therefore, given that both server and client can encrypt and decrypt messages as indicated by the SSL document and as explained above, it is inherent that there must be encrypting/decrypting means on both sides to send and understand encrypted messages.

Therefore, as previously mentioned, the examiner respectfully believes that the combined teachings of Simmons and the SSL NPL document cover all the limitations of applicant's invention as claimed.